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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,426	10/11/2000	Justin Grant	MS158532.1	6062

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EXAMINER	
JEAN, FRANTZ B	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/686,426	GRANT ET AL.	
	Examiner	Art Unit	
	Frantz B. Jean	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

This office action is in response to applicants' arguments and amendment filed 6/18/2004. Claims 1-25 are still pending in this application.

Drawings

The drawing filed 6/18/04 is placed in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-9, 17-19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly et al. (U.S. Patent No. 6,594,786) in view of Jarriel et al. (U.S. Patent No. 6,553,403). Connelly teaches the invention substantially as claimed including a system comprising agents to monitor cluster availability and configuration changes and report these events to a server (see abstract).

As to claim 1, Connelly teaches a system for monitoring events of a plurality of members configured as an entity, comprising:
at least one member of the entity having event logging settings for event types to be monitored (col. 5, lines 12-20; col. 6, lines 22-38; col. 14, lines 7-13; Connelly discloses that an HA server contains scripts for launching event monitoring agents (HA agents) in a cluster); and each of the plurality of members of the entity having member specific configuration settings wherein event types in the at least one member is propagated to the member specific configuration settings of each of the plurality of members (col. 14, lines 7-13; Connelly discloses that the HA server automatically installs the HA agents on each system in the cluster).
Connelly fails to teach the limitation of the at least one member of the entity having configurable event logging settings for determining at least one of event types to be monitored.
However, Jarriel teaches a system and method for monitoring in a distributed computer network having a management server servicing a set of managed computers (see abstract). Jarriel teaches the limitation of at least one member of the entity having configurable event logging settings for determining at least one of event types to be monitored (col. 6, lines 21-37; col. 8, lines 50-65; Jarriel discloses a system in which configurable event monitoring agents are dispatched from a central location throughout the network).
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Connelly in view of Jarriel so as to allow for the modification of event monitoring activities. One would be

motivated to do so to allow a user to select events to monitor depending on the type of resources being managed.

As to claim 2, the combination of Connelly in view of Jarriel teaches the invention substantially as claimed (see the rejection of claim 1 above).
The combination fails to teach the limitation wherein changes to the configurable event logging settings at the at least one member are dynamically updated at the member specific configuration settings of the plurality of remaining members.
However Jarriel teaches the limitation wherein changes to the configurable event logging settings at the at least one member are dynamically updated at the member specific configuration settings of the plurality of remaining members (col. 7, lines 1-6; Jarriel discloses that whenever an administrator configures a monitoring activity, software agents are dispatched to the monitored systems in the network).
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Connelly in view of Jarriel so as to allow for the modification of event monitoring activities. One would be motivated to do so to allow a user to select events to monitor depending on the type of resources being managed.

As to claim 3, Connelly teaches the system of claim 1 wherein at least one of the plurality of members have an event monitor system operable to log event data information based on the member specific configuration settings (col. 7, lines 26-30; Connelly discloses that each HA agent comprises an event log).

As to claim 4, Connelly teaches the system of claim 3, wherein the event monitor system comprises an event consumer component operable to determine settings in the member specific configuration settings and log at least one of an event source, an event type and an event severity type based on the settings (col. 8, lines 13-21, 53; Table II; Connelly discloses that event source (Source in Table II), event type (EventType in Table II) and event severity (Shutdown/Cause string in Table II) are logged in the event log).

As to claim 5, as best understood, the combination of Connelly in view of Jarriel teaches the invention substantially as claimed (see the rejection of claim 4 above).
The combination fails to teach the limitation of the configuration consumer component being notified of changes in the member specific configuration settings and being operable to access these changes through an event source.
However, Jarriel teaches the limitation of the configuration consumer component being notified of changes in the member specific configuration settings and being operable to access these changes (col. 7, lines 1-6; Jarriel discloses that whenever an administrator configures a monitoring activity, software agents are dispatched to the monitored systems in the network).
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Connelly in view of Jarriel so as to allow for the modification of event monitoring activities. One would be motivated to do so to allow a user to select events depending on the type of resources being managed.

As to claim 7, the combination of Connelly in view of Jarriel teaches the invention substantially as claimed (see rejection of claim 1 above). Connelly teaches the limitation of the at least one member having event logging settings for determining event severity types to be monitored (col. 7, lines 43-52; Table 1; Connelly discloses a list of causes used by the HA agents to determine the severity of a shutdown event). Connelly fails to teach the limitation of the event logging settings being configurable.
However, Jarriel teaches the limitation of using configurable event logging settings (col. 6, lines 21-37; col. 8, lines 50-65; Jarriel discloses that configurable event monitoring agents are used in a network).
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Connelly in view of Jarriel so as to allow for the modification of event monitoring activities. One would be motivated to do so to allow a user to select events to monitor depending on the type of resources being managed.

As to claim 8, Connelly teaches the system of claim 1, wherein each event is assigned a unique event identification number, a member identification number and an event time (col. 8, Table Il; Connelly discloses that an event indicating a change in availability includes an event sequence number, event source and timestamp).

As to claim 9, Connelly teaches the system of claim 8, wherein event data common to all event types is logged in a first table and event data specific to the event instance is logged in a second table (col. 7, lines 31-42; col. 8, lines 13-21, 38-53; Connelly discloses that shutdown events (event specific data) are logged in the shutdown log and the related event data (event common data) are logged in the event log).

Claims 17-19 represent method claims that correspond to system claims 1, 7 and 2, respectively. They do not teach or define any new limitations above claims 1, 7 and 2, and therefore are rejected for similar reasons.
Claims 21 and 23 represent means claims that correspond to system claims 1 and 2, respectively. They do not teach or define any new limitations above claims 1 and 2, and therefore are rejected for similar reasons.

Claims 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly et al. in view of Jarriel et al., and further in view of McHann (U.S. Patent No. 5,991,806).
As to claim 6, the combination of Connelly in view of Jarriel teaches the invention substantially as claimed (see rejection of claim 3 above). The combination fails to teach the limitation of an event mapping component adapted to map different event types into a common data format.
However, McHann teaches a transactional event management structure that is implemented in a network computer system (see abstract). McHann teaches the limitation of mapping different event types into a common data format (col. 11, line 64 - col. 12, line 32; McHann discloses that event information is converted to a common format).
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Connelly in view of Jarriel, in view of McHann so as to provide uniformity in collected event data. One would be

motivated to do so to allow a user easily identify significant information.

Claim 22 represents a means claim that corresponds to system claims 6. It does not teach or define any new limitations above claim 6, and therefore is rejected for similar reasons.

Claims 10-14, 16, 20, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly et al. in view of McHann (U.S. Patent No. 5,991,806).

As to claims 10 and 16, Connelly teaches the invention substantially as claimed. Connelly teaches the limitation of an event monitor system adapted to receive different event types from an event source and log the different event types into a data store (col. 6, lines 31-51; Connelly discloses an HA server that receives events from HA agents on monitored systems, and logs the events in central data repository). Connelly fails to teach the limitation of mapping data fields of the different event types into common data fields such that the different event types conform to a common event type schema.
However, McHann teaches the limitation of mapping different event types into a common data format (col. 11, line 64 - col. 12, line 32; McHann discloses that event information is converted to a common format).
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Connelly in view of McHann so as to provide uniformity in collected event data. One would be motivated to do so to allow a user easily identify significant information.

As to claim 11, Connelly teaches the system of claim 10, wherein the event monitor system comprises an event consumer component operable to determine settings in the member specific configuration settings and log at least one of an event source, an event type and an event severity type based on the settings (col. 8, lines 13-21, 53; Table II; Connelly discloses that event source (Source in Table II), event type (EventType in Table II) and event severity (Shutdown/Cause string in Table II) are logged in the event log).

As to claim 12, Connelly teaches the system of claim 10, wherein each event is assigned a unique event identification number, a member identification number and an event time (col. 8, Table II; Connelly discloses that an event indicating a change in availability includes an event sequence number, event source and timestamp).

As to claim 13, Connelly teaches the system of claim 10, wherein event data common to event types is logged in a first table and event data unique to an event type instance being logged is logged in a second table (col. 7, lines 31-42; col. 8, lines 13-21, 38-53; Connelly discloses that shutdown events (unique event data) are logged in the shutdown log and the related event data (common event data) are logged in the event log).

As to claim 14, Connelly teaches the system of claim 10, wherein the event types comprise at least one of operating system events, entity events and health monitor events (col. 8, lines 38-53; Connelly

discloses monitoring events related changes in the configuration of a system (system event) or cluster (entity event)).
Claim 20 represents a method claim that corresponds to system claim 16. It does not teach or define any new limitations above claim 16, and therefore is rejected for similar reasons.
Claim 24 represents a means claim that corresponds to system claims 16. It does not teach or define any new limitations above claim 16, and therefore is rejected for similar reasons.

As to claim 25, Connelly teaches the system of claim 24, comprising means for merging event data specific to an event occurrence into event data common to the event (col. 7, lines 4352; col. 10, lines 44-50; Connelly discloses that all unplanned shutdown, availability and configuration events from an HA agent are collected in the HA server's event repository to construct a history events).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly et al. in view of McHann, and further in view of Jarriel et al.

As to claim 15, the combination of Connelly in view of McHann teaches the invention substantially as claimed (see rejection of claim 10 above).
The combination teaches the limitation of logging event common data and event data specific to the instance of the event upon receipt of a new event (cot. 7, lines 31-42; cot. 8, lines 13-21, 38-53; Connelly discloses that shutdown events (unique event data) are logged in the shutdown log and the related event data (common event data) are logged in the event log).
The combination fails to teach the limitation of logging only event data specific to the instance of the event upon receipt of a reoccurrence of an event.
However, Jarriel teaches the use of correlation rules to handle reoccurring events (cot. 10, lines 43-46; Jarriel discloses specifying rules to ignore duplicate events).
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Connelly in view of McHann, in view of Jarriel so as to ignore reoccurring event data that does not provide information specific to each occurrence of the event. One would be motivated to do so to reduce event flow traffic.

Response to Arguments

Applicant's arguments filed 6/18/2004 have been fully considered but they are not persuasive.

Applicants argued that Connelly, Jarriel, and McHann alone or in combination do not teach (1) propagating selection of events types to each of a plurality of members, (2) members of the entity having specific configuration settings, (3) configuration event logging setting for determining at least one of

event types to be monitored, (4) event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store.

Examiner respectfully submits that Applicants have misinterpreted the prior art of record.

As per item 1, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., propagating ***selection*** of event types) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding to item 2, Connelly teaches members of the entity having specific configuration settings because Connelly states that agent 20 and server 22 may co-exist on the same system. In other words, in Connelly, each member of the entity may have a specific (i.e different and/or same) configuration settings (see col. 14 lines 12-13).

As per item 3, Jarriel teaches configuration event logging setting for determining at least one of event types to be monitored (see col. 6 lines 20-36). Jarriel's manager 14 or central location monitors event types. Furthermore, configuration event logging setting for determining at least one event type to be monitored is also disclosed by Jarriel (see col. 6 lines 20-36, Administrative, configuration or other management tasks are specified, configured and deployed).

As per item 4, McHann teaches event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store (see col. 11 lines 64 to col. 12 line 32 where McHann maps different event types into a common format and information is converted/mapped to a common format).

It must be noted that Connelly, Jarriel and McHann belongs to the same field of endeavor, computer and network field, therefore, they are combinable.

As per the remarks, Applicants also assert that the prior art references fail to establish a prima facie basis for rejection under 103 and contend that the suggestions must be found in the references.

In that respect, the examiner disagrees with applicant. To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

"In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution combination, or other modification." In re Linter , 458 F.2d 1013, 173 USPQ 560, 562 (CCPA 1972).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine , 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 11192).

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F. 2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988); In re Jones , 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Eli Lilly & Co ., 902 F.2d 943. 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen , 851 F.2d 1401, 7 USPQ2d 1500, 1502 . (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex arte Clanp. 227 USPQ 972 (Bd. Pat. App. & Inter. 1985); and Ex parte Levengood , 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

Also in reference to Ex Varte Levenaood, 28USPQ2d, 1301, the Court stated that "Obviousness is a legal conclusion, the determination of which is a question of patent law.

Motivation for combining the teachings of the various references need not be explicitly found in the references themselves, In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Indeed, the examiner may provide an explanation based on logic and sound scientific reasoning that will support a holding of obviousness. In re Soli, 317 F.2d 941, 137 USPQ 797 (CCPA 1963)."

Accordingly, the rejection is maintained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean

FRANTZ B. JEAN
PRIMARY EXAMINER